

Agenda Item	
A-1	Wishing to be heard during the Open Comment Period was Bill Waldron, 1011 7 th Ave. NW. Mr. Waldron asked that the parking for overnight vehicles be reviewed for the patrons of the downtown businesses. His request will be deferred to city staff.
A-2	Wishing to be heard during the Open Comment Period was Jan Daly, 620 9 th Ave. SW. Ms. Daly asked the council to support the annual Assisi Heights Fundraiser that benefits the nuns and their dedication to the community throughout the years.
B-1	President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki, and Walter Stobaugh. Absent: None. Also present Mayor Brede.
D-1-34	Councilmembers Hanson moved, Nowicki seconded, to approve the following consent agenda items.
D-1	Approved the minutes of the November 1 and 15, 2004, Council meetings.
D-2	<p>Approved the appointment of the following individuals to boards and committees:</p> <p>Susan Parker to the Rochester Public Utilities Board for a four-year term expiring January 2009.</p> <p>Robert Haeussinger and Leslie Rivas to the City Planning and Zoning Commission for three-year terms expiring December 2007.</p> <p>Jeff Bagniefski and Jeff Mundt to the Rochester Zoning Board of Appeals for three-year terms expiring December 2007.</p> <p>Bill Schneider and Jeff Vert to the Citizens Advisory on Transit for three-year terms expiring December 2007.</p>
D-3	Adopted Resolution No. 592-04 approving the maintenance and operating agreement with Rochester Aviation for the Fuel Storage Facility at the Rochester International Airport.
D-4	Adopted Resolution No. 593-04 approving the transfer of the lease agreement from Denaro Motors, Inc. to Budget Rent-A-Car Systems, Inc. at the Rochester International Airport.
D-5	Adopted Resolution No. 594-04 approving the Agreement between the City of Rochester and the Rochester Airport Company for the spreading of biological solids on airport property by the Water Reclamation Plant.
D-6	Adopted Resolution No. 595-04 approving the calendar for the Special Election to fill the unexpired term for the 1 st Ward Councilmember position.

Agenda Item	
D-7	<p>Approved the following licenses and miscellaneous city activities.</p> <p><u>Gambling – temporary</u> Pheasants Forever Tri-County Chapter – Raffle at Willow Creek Golf Course – Raffle at Willow Creek Golf Course – March 5, 2005. Elton Hills PTSA – Raffle – January 20, March 33 and May 13, 2005.</p> <p><u>On-Sale Liquor – Temporary</u> Friends of Assisi Heights – New Year’s Eve Party at Assisi Heights – December 31, 2004.</p>
D-8	<p>Approved the Wine and On-Sale 3.2% Malt Liquor License for Chipotle Mexican Restaurant of Colorado LLC at 1201 South Broadway.</p>
D-9	<p>Approved an Off-Sale Intoxicating Liquor License for Cost Plus, Inc. DBA Cost Plus World Market at 1200 16th Street S.W.</p>
D-10	<p>Approved Investment Purchases of \$17,978,250.00 and Accounts Payable of \$50,221,941.17.</p>
D-11	<p>Adopted Resolution No. 596-04 approving Amendment of Investment Advisory Agreement with MBIA Investors Service Corporation to include the lower fee (10 basis points) on Bond Proceeds Portfolios.</p>
D-12	<p>Adopted Resolution No. 597-04 approving Hawkins Chemical as low bid for a one-year supply of Liquid Aluminum Sulfate and Resolution No. 598-04 approving Hawkins Chemical as low bid for a one-year bid of Anhydrous Ferric Chloride.</p>
D-13	<p>Adopted Resolution No. 599-04 approving the Labor Agreement for 2005-2007 with the International Alliance of Theatrical Stage Employees, Moving Pictures Technicians, Artists, and Allied Crafts, Local #416 (IATSE).</p>
D-14	<p>Accepted the donation of \$20 from Kathy Zieman for Police Honor Guard equipment expense.</p>
D-15	<p>Adopted Resolution No. 600-04 awarding the Base Bid to Elcor Construction in the amount of \$463,068.50 for Project No. M2-13 (J-7703) "Silver Creek Sub-Trunkline Sanitary Sewer to Serve Portions of Sewer Service Area 24 in Haverhill Township".</p>
D-16	<p>Adopted Resolution No. 601-04 approving Supplemental Agreement #2 in the amount of \$31,813.02 with S.J. Louis Construction, Inc. for Project No. M1-36 (J-9792) "Sanitary Sewer and Watermain Extension to Serve the Southport Subdivision Area".</p>
D-17	<p>Adopted Resolution No. 602-04 approving Supplemental Agreement #1 in the amount of \$31,729.77 with Heselton Construction LLC for Project No. M1-27 (J-9788) "Sanitary Sewer and Watermain Extension to Serve the Thomas Subdivision Area".</p>

Agenda Item	
D-18	Adopted Resolution No. 603-04 approving a Settlement Agreement with Katherine Russell for property acquisition for Project No. J-6981 "Runway Expansion and Realignment of County Road 16".
D-19	Adopted Resolution No. 604-04 approving a Revocable Permit with Four Sisters LLP, AMP Properties LLC and the George F. Pougiales Revocable Trust for the placement of a sign into the right of way of South Broadway, South ½ of Lot 9, Block 33, Original Plat.
D-20	Adopted Resolution No. 605-04 approving the Development Agreement for Fairway Ridge Amendment No. 2.
D-21	Adopted Resolution No. 606-04 approving the execution of a City/Owner Contract with Georgetowne Square Limited Partnership and Fraser Construction, Inc. for Project No. J-5159 "Watermain & Hydrants to Serve Georgetowne Square (Lot 2, Block 1, Georgetowne Homes Second Subdivision)".
D-22	Adopted Resolution No. 607-04 approving the execution of a City/Owner Contract with Premier Bank Rochester and Bob Braaten Construction, Inc. for Project No. J-5160 "Public Improvements to Serve the Premier Bank Rochester Subdivision".
D-23	Adopted Resolution No. 608-04 approving the execution of a Pedestrian Facilities and Related Public Improvements Agreement with Gloria Dei Lutheran Church for Lots 2 through 12, Block 1 and Lot 15, Block 1, Gooding's Addition.
D-24	Adopted Resolution No. 609-04 approving a Pedestrian Facilities Agreement with First Alliance Credit Union for Lot 1, Block 1, Alliance Business Park Subdivision.
D-25	Adopted Resolution No. 610-04 authorizing the City Clerk to advertise for bids for Project No. M0-74 (J-9708) "Construct Overland Drive NW from Bandel Road to 18 th Avenue N.W."
D-26	Adopted Resolution No. 611-04 approving renewal of the agreement with Bethel Lutheran Church at 810 Third Street SE to use their west parking lot for the period of January 1 through December 31, 2005 for a park and ride facility.
D-27	Adopted Resolution No. 612-04 approving Amendment Number 3 providing extension of the City/CAM, Inc. ZIPS Dial-A-Ride Contract for 2005 at a per vehicle hourly rate of \$36.11 and incorporating the revisions as summarized above as well as the original contract and prior amendments.
D-28	Adopted Resolution No. 613-04 authorizing the City Clerk to advertise for bids for Project No. M04-30 (J-6516) "Rehabilitation and Stabilization of Meadow Run Drainage Way".
D-29	Adopted Resolution No. 614-04 approving an agreement with the Minnesota Pollution Control Agency for costs not to exceed \$2,158.40 for an expedited design review for Project No. J-4390 "2004 Plant Upgrade Project".

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Meeting No. 30 – December 6, 2004

7232

Agenda Item	
D-30	Adopted Resolution No. 615-04 approving Change Order No. 2 with Fraser Construction Company in the amount of \$34,454.34 for Project No. J-4390 "2004 Plant Site Preparation Project for the Water Reclamation Plant".
D-31	Accept the donation of \$2500 from Wal-Mart for training expenses for the Fire Department.
D-32	Approved the recommended By-Law changes for the Coalition of Greater Minnesota Cities.
D-33	Adopted Resolution No. 616-04 approving the contract with Swenke Company, Inc. in the amount of \$25,935.00 for Project No. M4-51 (J-7735) "Harvest Emergency Replacement of Subdrain System in Beacon Drive/Apple Ridge Boulevard S.W."
D-34	<p>Adopted Resolution No. 617-04 approving the Maintenance Agreement for the Soldiers Field Veterans Memorial to be cared for by the Rochester Park and Recreation Department.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
H-1	<p>Councilmember Hanson moved, Marcia Marcoux seconded to remove Item H-1 from the Tabled Items. Ayes (7), Nays (0). Motion carried.</p> <p>Councilmembers Hanson moved, Nowicki seconded to appoint Jesse Wallace, 1962 Century Valley Lane NE to the Planning and Zoning Commission to fill the expired term of Randy Staver until 12/31/07. Ayes (7), Nays (0). Motion carried.</p>
E-1	<p>A Hearing on Truth In Taxation for the Proposed 2005 Budget for the City of Rochester.</p> <p>Steve Kvenvold, City Administrator, gave a brief summary of the current budget and the recommended 2005 budget. He noted that the Council will be reviewing individual departmental budgets on December 13 and 14. The final adoption of the budget is scheduled for December 20, 2004, at 7:00 P.M. He stated he would be available to anyone to discuss the budget by calling City Administrator's office. He presented physical trend data actual for 2004 as compared to proposed 2005. Many of the services provided by the City are directly affected by the growth of the City which continues at a fast pace. The growth of the City has increased affecting all facets of the city's operations. The city streets alone having a 60% increase without an adequate funding source to build and maintain these streets. He presented a chart showing a 12% increased in market value of homes in Olmsted County as compared to 2004. He also showed various graphs outlining how tax levies and other monies are used for various functions within the City. The proposed 2005 budget program expenditures of \$173,289,184 would require a property tax levy of \$32,591,193.</p>

Agenda
Item

Wishing to be heard was Konrad Schulz-Fincke, 4102 5th Place NW. Mr. Schulz-Fincke expressed his concern for the increases on his tax statement and their affect on senior citizens. He urged the Council to cut costs in as many areas possible.

Wishing to be heard was Nathan Hartung, 1765 Century Valley Road N.E. representing the owner of Century Hills Commercial Park property. Mr. Hartung stated that the tax increase on this property was excessive. He explained that this was dormant acreage without plans for development and the increase was approximately \$4800.

Steve Kvenvold emphasized that the city does not set property values which is where a large part of the change in property tax occurs. This is done by the County Assessors Office and that is where the property owner should address concerns.

Gary Neumann, Assistant City Administrator, explained that the state has implemented a Green Acres Provision that requires land to be valued at it's development/commercial value instead of the Agricultural value. He also explained that the county will set the property value by looking at any improvements and the sale of other similar property.

Wishing to be heard was John Wade, 39 Riverbluff Place N.W., President of the Rochester Chamber of Commerce. He said that the Chamber appreciates the time and effort that the Council and Staff have worked to construct the 2005 City budget and the willingness to meet with the organization to discuss the budget. He felt the preliminary levy was too high along with the increased fees established by the city in the past year. He said that the Chamber members struggle with health care cost, vacant job positions and downsizing. He said the city should be using the same controls towards cost saving methods. He felt there should be a joint city/county maintenance facility. Mr. Wade said that with the increase in commercial property values they will be working closely with the county in 2005 on this evaluation process. He also thanked President Hunziker and Councilmember Stobaugh for their years of service to the city.

Wishing to be heard was John Reynolds, 3524 Sixth Place N.W. Mr. Reynolds voiced his appreciation of the Council and staff on preparing the 2005 budget. He stated he was in agreement with a joint city/county maintenance and some administrative duties. He also thanked John and Walter for thier service.

Wishing to be heard was Ruth Lawler, 124 11th Ave. N.W. She talked about the value of her property increasing and she was directed to talk to the County Assessors office.

Having no one further wishing to be heard, President Hunziker closed the hearing.

The adoption of the final budget will be at December 20, 2004 Council Meeting.

Agenda Item	
E-2	<p data-bbox="347 352 1425 487">A Continued Hearing on Vacation Petition #04-14 by the Prow Company, Inc., John and Teresa Allers, Dale Eiden and Terrance McGill, to vacate portions of the alley in Conley's Addition located east of 11th Avenue NW, north of Civic Center Drive and southerly of 6th Street N.W.</p> <p data-bbox="347 520 1425 688">Wishing to be heard was Cedric Schutz, Land Consultants, representing the Prow Company and Kwik Trip. He stated after visiting with the city staff and property owners they request that the alley adjoining Pearl Vision, be left open and agreed to enter into a maintenance agreement with the city for that portion of the alley and dedicate a 10 foot right-of-way on 11th Ave.</p> <p data-bbox="347 722 1425 957">Wishing to be heard was David VanDerHeyden, attorney representing Eugene and Mary O'Marro. He stated that the O'Marro's, after discussion with staff, realized that the proposed vacation would eliminate the east/west alley access to their property resulting in access only from the south side of their property, east on the frontage road to 6th Street and proceed north to get to public roadway. He said the O'Marro's did not receive proper notice of the intent of the vacation and would like to see this request extended to December 20.</p> <p data-bbox="347 991 1425 1125">Cedric Shutz stated they had tried repeatedly to contact Ms. Klee, the owner of Lot 2, without any results. He stated that since the application was applied for, the Prow Co. has purchased more property around the area and this has changed the vacation location. He explained the new plans to council and answered questions.</p> <p data-bbox="347 1159 1425 1293">Terry Adkins, City Attorney, stated the legal description on the vacation that has been provided to staff at this point is incorrect due to the changes proposed and discussed tonight and this would have to be rectified before the vacation can be approved.</p> <p data-bbox="347 1327 1425 1419">Councilmembers Marcoux moved, Means seconded, to continue Vacation Petition #04-14 by the Prow Company, Inc., John and Teresa Allers, Dale Eiden and Terrance McGill, to December 20, 2004. Ayes, (7), Nays (0). Motion carried.</p>
E-3	<p data-bbox="347 1461 1425 1528">A Hearing to Consider the Revocation of Official Street Map #12 First Supplemental Amendment.</p> <p data-bbox="347 1562 1425 1663">Wishing to be heard was Steve Qualm, Attorney with Frederickson and Byron, representing West 80 LLC. He stated his clients would like to move ahead with the Preliminary Plat approved in February, 2004, under the 2000 official street map.</p> <p data-bbox="347 1696 1425 1797">Wishing to be heard was Frank Kottschade, 4719 Warwick Lane NW representing Willow Creek Commons. Mr. Kottschade introduced a Frontage Road Alignment C plan that he felt would benefit all parties involved.</p> <p data-bbox="347 1831 1425 1990">Wishing to be heard was Michelle Coron, RLK-Kuusisto, Ltd, Minnetonka, Senior Civil Engineer and Project Manager for the Willow Creek Commons project. Ms. Coron provided an explanation and summary of the developments proposed by Willow Creek Commons. After extensive analysis, she proposed Option C as the most viable option for all the stake holders, being West 80, Willow Creek</p>

Agenda
Item

Commons, the City and the general public. This option came from taking grading plans from both West 80 and Willow Creek Commons and reviewing the best layout for the land use and buildable area for each of the three frontage road alignments. This plan cost less to construct and maintain and would require less earth work resulting in lower costs for developing each property. She also stated the safety issue was reviewed in regards to city ordinance and state speed zone requirements for the proposed roadway and entry roads. Her conclusion was that Option C provided the most buildable area, the least amount of earth work in costs, least amount of right-of-way, lowest immediate and future roadway cost and the best safety alignment for all concerned. A master development plan is available for Option C to utilize the 40th and 48th Streets interchanges.

Wishing to be heard was John Arnold, Dunlap and Seeger, representing the developer of Willow Creek Commons. He asked that on behalf of his client, the Council amend Official Street Map #12 to be consistent with Option C.

Wishing to be heard was Steve Qualm, Attorney with Frederickson and Byron, representing West 80 LLC. He stated the West 80 developers are opposed to the Option C and want to continue with Option A for their property.

Wishing to be heard was John Arnold, Dunlap and Seeger. Mr. Arnold stated they would be willing to table the Willow Creek Commons Preliminary Plat application again for the purpose of initiation of the official street map change. He also reiterated the request by Willow Creek Commons for Option C as the best for all parties involved.

Having no one further wishing to be heard, President Hunziker closed the hearing.

Terry Adkins, City Attorney, stated the council has three options to consider in regards to the Official Street Map #12: 1) Stay with the existing map, adopted in 2002, which at this point is not preferred by any of the parties involved, 2) Go back to the 2000 version of the official street map (Alignment A) which West 80 would prefer or 3) initiate an amendment to the official street map which would be compatible with Option C presented by Willow Creek Commons.

Attorney Adkins also made it clear to the council of the risks for legal action in regards to the different options.

Councilmember Hanson's stated his opinion was that is was not appropriate for the council to act contrary to previous decisions already made that could lead to adverse legal action against the city.

Councilmember Marcoux expressed her opinion that the council should continue to use the 2000 version of the official street map as it is consistent with the previously approved GDP and Preliminary Plat.

Councilmembers Stobaugh, Nowicki, McConnell, Means and Mayor Brede felt the new Option C seemed to be the best course for all involved and felt it should go back to Planning to review.

Agenda Item	
	<p>Councilmember McConnell moved, Stobaugh seconded to rescind the official street map that exists and to initiate the process by which Official Street Map #12 would incorporate Option C that was presented tonight. Ayes (5), Nays (2). Councilmembers Hanson and Marcoux voted nay. Motion carried.</p> <p>Attorney Adkins asked Mr. Arnold if they were agreeable to table the pending Preliminary Plat for Willow Creek Commons until the Official Street Map returns to the council and waive the time restrictions while this is being processed. Mr. Arnold, as Willow Creek Commons legal representative stated they were in agreement with Attorney Adkins' requests.</p> <p>E-4 A Hearing on Type III, Phase III Conditional Use Permit #04-38 by Dallas Backhaus located along the south side of 20th Street SE, west of 38th Avenue SE.</p> <p>Wishing to be heard was Cedric Schutz, Land Consultants, representing the applicant. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Wishing to be heard was John Augustin, 2025 39th Ave. SE. He was concerned with the fill in the flood zone and if it would affect his property. Staff assured Mr. Augustin that the applicant has supplied certification that there will be no net loss of capacity for surface storage of flood waters resulting from the filling activity.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to adopt Resolution No. 618-04 approving Conditional Use Permit #04-38 by Dallas Backhaus with two conditions. Ayes (7), Nays (0). Motion carried.</p>
E-5	<p>A Hearing on Land Use Plan Amendment Petition #04-07 by Rodney Younge to designate land for medium density residential on property located south of Meadow Lakes Golf course, west of West Circle Drive, east of 45th Avenue SW and north of Greenbriar Subdivision.</p> <p>President Hunziker also opened the hearing on Zoning District Amendment #04-17 and General Development Plan #247 by Rodney Younge. All testimony taken in Item E-5 will apply to the three items.</p> <p>Wishing to be heard was Jeff Griffin, GGG Engineering, representing the developer. He stated they had many meetings with the neighbors and township board to address any concerns and feel they have complied with the requests to move this project forward. Mr. Younge has purchased property from the Girl Scouts and has development agreements with the Township. He stated they were in agreement with all the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearings.</p>

Agenda Item	
	<p>Councilmembers Means moved, Stobaugh seconded to adopt Resolution No. 619-04 approving Land Use Plan Amendment Petition #04-07 by Rodney Younge with four conditions and instructed the City Attorney to prepare Findings of Facts, Conclusions of Law, and Order, approving Zoning District Amendment #04-17 for Rodney Younge and instructed the City Attorney to prepare the required ordinance for adoption and approved the General Development Plan #247 by Rodney Younge with seven conditions. Ayes (7), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on Zoning District Amendment #04-17 by Rodney Younge to designate land to the R-3 and R-1x zoning district on property located south of Meadow Lakes Golf course, west of West Circle Drive, east of 45th Avenue SW and north of Greenbriar Subdivision.</p> <p>Refer to E-5 for testimony and Council action.</p>
E-7	<p>A Hearing on General Development Plan #247 by Rodney Younge to be known as Meadow Lakes located south of Meadow Lakes Golf course, west of West Circle Drive, east of 45th Avenue SW and north of Greenbriar Subdivision.</p> <p>Refer to E-5 for testimony and Council action.</p>
E-8	<p>A Hearing on General Development Plan #248 by Tom Meilander to be known as Meilander GDP located as Lots 54 and 58 Auditor's Plat "E" south of Pinewood Road SE and west of 34th Avenue S.E. in Marion Township.</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the developer. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Marcoux seconded to approve the General Development Plan #248 by Tom Meilander to be known as Meilander GDP with 6 conditions as amended and instructed the City Attorney to prepare Findings of Facts, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-9	<p>A Hearing on Final Plat #03-26 to be known as Wildwood Meadow by Wildwood Meadow Inc. located south of 37th Ave. SE along the south side of 20th St. SE.</p> <p>Wishing to be heard was Cedric Schutz, Land Consultants, representing the applicant. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmember Stobaugh moved, McConnell seconded, to adopt Resolution No. 620-04 approving Final Plat #03-26 to be known as Wildwood Meadow by Wildwood Meadow Inc. with seven conditions, Ayes (7), Nays (0). Motion carried.</p>

Agenda Item	
E-10	<p>A Hearing on Final Plat #04-08 to be known as Great Plains First Subdivision by John Phan & Lynn Nguyen bounded by 27th Street NE on the north, TH63 on the east, 4th Avenue NE on the west and Evangel United Methodist Church on the south.</p> <p>Wishing to be heard was Jeff Griffin, GGG Engineering. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No.621-04 approving Final Plat #04-08 to be known as Great Plains First Subdivision by John Phan & Lynn Nguyen with two conditions. Ayes (7), Nay (0). Motion carried.</p>
E-11	<p>A Hearing on Final Plat #04-20 by R & M Development to be known as Scenic Oaks Fifth Addition located south of Scenic Pointe Drive SW.</p> <p>Wishing to be heard was Jeff Griffin, GGG Engineering. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to adopt Resolution No. 622-04 approving Final Plat #04-20 by R & M Development to be known as Scenic Oaks Fifth Addition with five conditions. Ayes (7), Nays (0). Motion carried.</p>
E-12	<p>A Hearing on Final Plat #04-22 by AC PEMWEST, LLC to be known as Commerce Park located east of East Circle Drive NW, south of Valleyhigh Drive NW.</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the developer. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers McConnell moved, Marcoux seconded to adopt Resolution No. 623-04 approving Final Plat #04-22 by AC PEMWEST, LLC to be known as Commerce Park with four conditions. Ayes (7), Nays (0). Motion carried.</p>
E-13	<p>A Hearing on Final Plat #04-45 by Joel Bigelow & Sons Enterprises, Inc. to be known as Kingsbury Hills Sixth located south of 55th Street NW, east of 60th Avenue NW and south and west of the existing Kingsbury development.</p> <p>Wishing to be heard was Ward Optiz, Bigelow Enterprises. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p>

Agenda Item	
	<p>Councilmembers Marcoux moved, McConnell seconded, to adopt Resolution No. 624-04 approving Final Plat #04-45 by Joel Bigelow & Sons Enterprises, Inc. to be known as Kingsbury Hills Sixth with the four conditions. Ayes (7), nays (0). Motion carried.</p>
E-14	<p>A Hearing on Final Plat #04-46 by Forbrook-Bigelow Development to be known as Whispering Oaks Commercial Replat located south of 7th Street NW, east of East Circle Drive NW and west of Lake Ridge Place NW.</p> <p>Wishing to be heard was Ward Optiz, Bigelow Enterprises. He stated they were in agreement with the conditions and was available for any questions. Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded to adopt Resolution No. 625-04 approving Final Plat #04-46 by Forbrook-Bigelow Development to be known as Whispering Oaks Commercial Replat with two conditions. Ayes (7), Nays (0). Motion carried.</p>
E-15	<p>A Hearing on Vacation Petition #04-21 by John Remick/Rochester Athletic Club to vacate a part of a public utility easement on Lot 2, Block 1, Athletic Club Subdivision.</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the developer. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers McConnell moved, Marcoux seconded, to adopt Resolution No. 626-04 approving Vacation Petition #04-21 by John Remick/Rochester Athletic Club with three conditions. Ayes (7), Nays (0). Motion carried.</p>
E-16	<p>A Hearing on Annexation Petition #04-20 by Abbas Tabatabai to annex land located south of East Circle Drive and west of Rocky Creek Drive NE.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to approve Annexation Petition #04-20 by Abbas Tabatabai and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p>
F-1	<p>Councilmembers Marcoux moved, Stobaugh seconded, to adopt Resolution No. 627-04 approving the Employment Agreement and Release concerning City Employee Kenneth Bee. Ayes (7), Nays (0). Motion carried.</p>

Agenda Item	
G-2a	An Ordinance Rezoning Approximately 26.74 Acres of Property from the R-1 Zoning District to the R-3 Zoning District and Rezoning Approximately 22.23 Acres of Property from the R-1 Zoning District to the R-1x Zoning District, and Amending Ordinance No. 2785, known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota was given a first reading. (Zoning District Amendment #04-17)
G-2b	An Ordinance Annexing to the City of Rochester Approximately 6.42 acres of Land Located in the Northwest Quarter of the Southwest Quarter of Section 19, Township 107 North, Range 13 West, Olmsted County, Minnesota was given a first reading. (Annexation Petition #04-20, south of East Circle Drive, west of Rocky Creek Drive NE)
G-3a	An Ordinance Rezoning Approximately .87 acres of Property from the R-1 Zoning District to the B-5 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota was given a second reading. Councilmembers Hanson moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Zoning District Amendment #04-16)
G-3b	An Ordinance Annexing to the City of Rochester Approximately 21.81 Acres of Land located in the West Half of Section 18, Township 107 North, Range 14 West, Olmsted County, Minnesota was given a second reading. Councilmembers Hanson moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Annexation Petition #04-16)
G-3c	An Ordinance Annexing to the City of Rochester Approximately 3.98 Acres of Land Located in the Southeast Quarter of Section 5, Township 106 North, Range 14 West, Olmsted County, Minnesota was given a second reading. Councilmembers Hanson moved, Means seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Annexation Petition #04-17)
G-3d	An Ordinance Creating and Enacting Section 63.459, and Amending and reenacting Sections 60.200, 62.223, 62.230, 62.252, 63.122, 63.400, 63.441, 63.455, and 63.510 of the Rochester Code of Ordinances, Relating to Residential Parking was given a second reading. Councilmembers Hanson moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.
H-1	See at the end of D-items.
H-2	<p>Councilmembers Marcoux moved, Hanson seconded, to remove the request for funding for Art Center Strategic Planning and Feasibility Study from the table. Ayes (6), Nays (0), Councilmember Stobaugh Abstained. Motion carried.</p> <p>Councilmembers Hanson moved, Nowicki seconded approve the appropriation of \$6000 from the 2004 Contingency Account to assist in funding the Art Center's strategic planning and feasibility study. Ayes (5), Nays (1). Councilmember Stobaugh Abstained and Councilmember McConnell voted nay. Motion carried.</p>

Agenda
Item

J-1

Having no further business, Councilmembers Marcoux moved, McConnell seconded, to recess the meeting to 4:00 P.M. on Monday, December 13, 2004 in Room 104. Ayes (7), Nays (0). Motion carried.


Deputy City Clerk